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CIA Director Turner refuses to take stand on SALT II

By CARL FREUND

CIA Director Stansfield Turner refused to say Friday whether he has reservations about the SALT II treaty, which the senate is considering for ratification.

Turner, a Navy admiral before he took over the helm of the CIA, side-stepped a straight answer when asked whether he has doubts about the treaty. Instead, Turner said approval or rejection of the treaty is a policy matter for the senate and it would be inappropriate for him to express an opinion.

Turner said he met privately with three congressional committees to brief them on techniques available for determining whether the Soviet Union would comply with the treaty.

President Carter and Soviet leader Leonid Brezhnev signed the treaty, which was negotiated to curb a costly arms race. Critics, however, have said the treaty would undermine national security.

Turner spoke during a luncheon of the National Conference of Bar Presidents and National Association of Bar Executives at the Hyatt Regency. The groups met as part of the American Bar Association convention, which is drawing judges and lawyers to Dallas from throughout the nation.

Regarding the arms limitation treaty, Turner said his agency has highly sophisticated equipment for taking pictures from satellites and intercepting radio signals. He stressed, however, that it still must depend heavily on the "human spy."

And, he said, it is difficult to enlist and keep undercover agents in foreign nations if they can lose their covers through unauthorized leaks.

The CIA director renewed his call for a law providing strong penalties for "traitorous individuals" who hamper U.S. intelligence activities and endanger undercover agents by disclosing secrets. He said the work of his agency has been hampered by legal requirements designed to protect the privacy of individuals.

To get rid of the "informational sieve" which hampers his agency, Turner suggested congress provide prison terms for persons who identify agents involved in intelligence activities.

Turner conceded intelligence agencies abused their power and violated constitutional rights of privacy before a 1975-76 investigation. But, he said, rules designed to protect this constitutional privacy resulted in agents becoming overly cautious because they were not sure exactly what such rights included.

"We had one case that involved our efforts to gain information about a small nation," Turner recalled. "It turned out that our best source was the ham-radio transmissions of a missionary who was stationed there. A question arose whether the CIA legally could intercept these transmissions without violating the missionary's right of privacy. It was held that we could . . . as long as he used the normal ham-radio channels, but (we) could not if he shifted to another channel."

Turner said other dilemmas arise when the federal government seeks to prosecute individuals accused of selling or giving away highly sensitive information.

He said defense lawyers in many cases can attempt to force prosecutors to make the sensitive information public and, in effect, try to "graymail" the CIA by filing requests that judges order it to provide additional information. As a result, Turner said, prosecutors sometimes find themselves forced to drop espionage cases to keep information confidential.

A proposed law, which Turner said he supports, would give federal judges more power to decide before a trial how much data they will require the prosecution to disclose.

Turner said he worked closely with former Atty. Gen. Griffin Bell and never has withheld intelligence information that would help the U.S. Justice Department decide whether it should prosecute or drop a case when caught in the dilemma. He added, however, that officials still are seeking a middle ground.

"We (the CIA) are undergoing a major change, but we are strong and capable," he said.

Turner did say the nation's leaders realize the United States cannot — and should not — take sides in all international disputes.

Turner reminded lawyers at the luncheon that, in addition to carrying out "spy missions," the CIA must analyze a wide spectrum of information ranging from the location of missile sites to crop failures behind the Iron Curtain. And he conceded the CIA failed to predict the Iranian revolution, which led to the a government overthrow and a cutback in Middle East oil shipments to the United States.

"We predicted there would be a lot of problems in Iran, but we did not foresee that all of the dissident activities would come together with sufficient intensity to topple the shah and his highly trained army," Turner said.